

Water Management Planning

At the Sept. 22nd Negotiation Session, it seemed apparent that agreement on how to deal more directly with ESA, watershed and environmental costs will have to await information anticipated to be contained in the Biological Assessment being prepared by SCWA. I have taken the liberty to drop this issue for now and focus on the less controversial issue of water management planning. Changes shown below are relative to language contained in the current 11th Amended Agreement and is the same language previously presented to the WAC and upon which consensus appeared to exist. The SCWA has not reviewed this language.

4.1 Separate Charges and Funds

(a) On or before April 30 preceding each fiscal year during which any of the following charges are payable, the Agency will establish the amount of the following charges for the ensuing fiscal year:

- (1) the Operation and Maintenance Charge,
- (2) the Santa Rosa Aqueduct Capital Charge,
- (3) the Forestville Aqueduct Capital Charge,
- (4) the Sonoma Aqueduct Capital Charge,
- (5) the Petaluma Aqueduct Capital Charge,
- (6) the Intertie Facilities Revenue Bonds Charge,
- (7) the Storage Facilities Revenue Bonds Charge,
- (8) the Common Facilities Revenue Bonds Charge,
- (9) the North Marin Revenue Bonds Charge,
- (10) the Water Management Planning Charge,
- (11) the Water Conservation Charge, and
- (12) the Recycled Water/Local Supply Projects Charge.

In determining the amount of these charges, the Agency shall include a reasonable allowance for usual contingencies and errors in estimation, and to maintain a prudent reserve in an amount determined from time to time by the Water Advisory Committee.

<Note: Should MMWD not be a signer of the proposed new agreement, the Water Management Planning Charge, Water Conservation Charge and Recycled Water/Local Supply Charge will not be instituted as separate charges but will be (remain) components of the Operation and Maintenance Charge.>

1.1 Definitions

(aa) "Russian River Projects Fund" means ...*<No change in definition contained in 11th Amended Agreement.>*

2.7 Water Management Planning

The Agency shall periodically prepare a draft regional Urban Water Management Plan pursuant to the Water Code for consideration by the water contractors. Each water contractor shall provide the Agency with all information and data the Agency reasonably determines to be necessary to allow the Agency to prepare the draft regional Urban Water Management Plan. Each water contractor shall either adopt the draft regional Urban Water Management Plan prepared by the Agency as its Urban Water Management Plan, or prepare and adopt its own Urban Water Management Plan. The Agency shall use its best efforts to prepare a draft regional Urban Water Management Plan that meets the requirements of the Water Code, but shall not be liable to any water contractor for any claims, actions, or liabilities arising out of or related to the adoption by any water contractor of a draft regional Urban Water Management Plan prepared by the Agency.

4.XX Water Management Planning Charge

(a) The Water Management Planning Charge shall be a uniform charge per acre-foot and shall be paid by all regular customers for all water delivered from the Transmission System.

(b) The aggregate amount of money to be received by the Agency from the Water Management Planning Charge in each fiscal year shall be sufficient to produce water sale revenues to cover the Agency's estimate of costs for such fiscal year for carrying out the provisions of Section 2.7 of this agreement.